

## Item No. 06

<b>APPLICATION NUMBER</b>	<b>CB/14/02010/FULL</b>
<b>LOCATION</b>	<b>6 Lincoln Way, Harlington, Dunstable, LU5 6NA</b>
<b>PROPOSAL</b>	<b>Change of use from "Sui Generis" Beauty Shop to A3 Cafe, with Deli &amp; Curiosities areas.</b>
<b>PARISH</b>	<b>Harlington</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Sarah Fortune</b>
<b>DATE REGISTERED</b>	<b>04 June 2014</b>
<b>EXPIRY DATE</b>	<b>30 July 2014</b>
<b>APPLICANT</b>	<b>Ms Cullen</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Brought to Development Management Committee by Head of Development Management.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### Recommendation

That Planning Permission be approved subject to the following:

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission does not extend to any form of food extraction or ventilation, no further means of ventilation shall be installed without prior written consent by the local planning authority..

Reason: For the protection of neighbouring amenities.

- 3 The premises shall only be used as a cafe (A3) and part A1 use and shall not be used for any other purposes within Class A3 of the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt, to safeguard the amenities of occupiers of neighbouring properties and to exclude the provisions of the said Use Classes Order and to ensure that the Local Planning Authority retains full control of the future use of the premises in view of the special circumstances of the case.

- 4 The premises shall only be open to customers between the hours of 9:00 hours to 17:00 hours Mondays to Saturdays and not at all on Sundays.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC01, CBC2 and submission A.

Reason: To identify the approved plan/s and to avoid doubt.

### **Notes to Applicant**

1. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. Due to the layout of the building, the existing ventilation system may not be suitable for the cooking of some forms of food. Should additional ventilation be required contact should be made with the Local Authorities Public Protection Department to discuss appropriate measures.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Note:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation responses and information as follows:
  - a. The applicant provided a plan showing the fire safety arrangements approved by building control;
  - b. The applicant provided a photograph showing the signage for the windows should planning permission be granted;
  - c. A petition with 300 names of support;
  - d. A letter from the applicant addressed to the Committee Members which included a menu and a leaflet outlining the advantages to the village.
  - e. An email from a local resident who could not attend the meeting but supported the application.
  - f. An email from an objector who could not attend the meeting but asked the Committee to consider the following points:
    - i. Smells, parking issues, becoming a hot food takeaway.]